

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD CLARK,

Defendant.

Case No. 09-CR-013-2-JFH

OPINION AND ORDER

Before the Court is Defendant Richard Clark’s (“Defendant”) Motion for Reconsideration of the Court’s Denial of his Writ of Error Coram Nobis (“Motion for Reconsideration”). Dkt. No. 632. For the reasons set forth below, Defendant’s Motion for Reconsideration [Dkt. No. 632] is **DENIED**.

BACKGROUND

Defendant filed his Motion for Issuance of a Writ of Error Coram Nobis on March 25, 2022 asking this Court for the extraordinary relief of a writ of error coram nobis overturning his conviction in this matter. Dkt. No. 628. For reasons set forth in great detail, this Court denied that motion by Order dated April 26, 2022. Dkt. No. 631. Defendant now asks the Court to reconsider its Order.

STANDARD

“Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.” *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (citing *Brumark Corp. v. Samson Resources Corp.*, 57 F.3d 941, 948 (10th Cir. 1995)); *see also*

United States v. Christy, 739 F.3d 534, 539 (10th Cir. 2014). In other words, “a motion for reconsideration is appropriate where the court has misapprehended the facts, a party’s position, or the controlling law.” *Servants of Paraclete*, 204 F.3d at 1012 (internal citations omitted). “A motion to reconsider should not be used to revisit issues already addressed or advance arguments that could have been raised earlier.” *Christy*, 739 F.3d at 539.

ANALYSIS

Defendant’s Motion to Reconsider does not offer an intervening change in controlling law, nor any new evidence previously unavailable. Rather, Defendant’s Motion to Reconsider reurges the arguments he raised in his Motion for Issuance of a Writ of Error Coram Nobis, as well as in various other briefing throughout the nearly fifteen (15) year history of this case. Dkt. No. 628. For the reasons this Court rejected those arguments previously, it rejects those arguments again now. *See* Dkt. No. 631. Because Defendant has failed to demonstrate that reconsideration of the Court’s Order [Dkt. No. 631] is appropriate or warranted, Defendant’s Motion for Reconsideration must be denied.

CONCLUSION

IT IS THEREFORE ORDERED that Defendant Richard Clark’s Motion for Reconsideration of the Court’s Denial of his Writ of Error Coram Nobis [Dkt. No. 632] is **DENIED**.

Dated this 17th day of May 2022.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE